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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,325	12/18/2000	Brian Showers	027-0002	4574
22120	7590	09/02/2004	EXAMINER	
ZAGORIN O'BRIEN & GRAHAM, L.L.P. 7600B N. CAPITAL OF TEXAS HWY. SUITE 350 AUSTIN, TX 78731			SAGER, MARK ALAN	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/740,325

Applicant(s)

SHOWERS ET AL.

Examiner

M. A. Sager

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. Claim 1-15, 17-38 is rejected under 35 U.S.C. 102(e) as being anticipated by Schneier ('408). This holding is maintained for cited claims from prior action that is incorporated and reiterated herein. Response to Applicant's arguments is provided below and incorporated herein.

As best understood <sup>of claims</sup> with broadest interpretation thereof, Schneier discloses a method for facilitating verifiable gaming transactions that includes a first commit sequence commits an outcome generator to a set of outcomes (the server and players random number are combined to generate a result representing the complete sequence of a deck of cards), and instances of the second commit sequence commits at least each player to an index contribution (each player has the option of selecting additional cards from the complete sequence of card from the deck and altering the sequence of cards) and thereafter reveal the index contribution, selecting from the outcomes based on a predefined combination operation on the index contribution and thereafter revealing the set of outcomes for validation thereof (13:45-14:3),

Regarding claim 2-3, Schneier discloses a method including a set of outcomes that corresponds to card values (7:46-58) where the cards can be shuffled (1:15-26),

Regarding claim 4, Schneier discloses a method that includes predefined combination operation that operates on an index contribution of the outcome generator (9:41-64).

Regarding claim 5, Schneier discloses a method that includes a set of outcomes corresponding to a set of values at least partially defined by a deck of cards (7:41-64).

Regarding claim 6-7, Schneier discloses a method where the first commit sequence includes encryption of the set of outcomes, supply of the encrypted set of

outcomes to each of the players and later access to set of outcomes using a key (2:2-5, 5:62-67, 9:3-22, 9:41-64, 13:45-14:18).

Regarding claim 8, Schneier discloses a method wherein the second commit sequence includes hashing the index contribution, supply hashed index to the outcome generator and to all of the players and later supply of the index to the outcome generator and to all players (11:18-62, 12:42-44, 13:45-14:18).

Regarding claim 9, Schneier discloses a method wherein the first and second commit sequences include respective transformational securing selected from the set of cryptographic encoding, hashes and irreversible transforms (9:3-40, 11:29-42).

Regarding claim 10, Schneier discloses that the first commit sequence is performed by a game processor (4:23-28) and second sequence is performed by respective player processor (8:36-39).

Regarding claim 11, 14, 15, Schneier further discloses a verifiable gaming transaction method comprising transformational securing an encoding of a predetermined set of outcomes supplying one or more player with the transformationally secured encoding, receiving a transformational secured player index from each of the players and selecting a particular one of the outcomes for revealing to the players based on the combination of the player indexes (13:35-14:18).

Regarding claim 12, Schneier also discloses a method wherein the predetermined set of outcomes is transformationally secured using a cryptographic key (9:8-13) and wherein the player indexes are secured using a hash (14:5-18).

Regarding claim 13, Schneier also includes receiving and verifying the player indexes against respective player indexes prior to the outcome selecting (12:48-13:4).

Regarding claim 17, Schneier discloses a method that includes a modulo function, since Schneier incorporates a counter for determining a number of players (13:5-20).

Regarding claim 18-19, Schneier discloses a method that includes the securing of the randomized set encoding includes cryptographically securing the sets of outcomes (13:45-14:18).

Regarding claim 20, 22, Schneier discloses a method comprising receiving a secured encoding of a predetermined set of outcomes for a gaming transaction, supplying a secured encoding of the player input, after each of the participants in the transaction has supplied a secured input, supplying the player input, accessing an outcome based on the combination of player input with the corresponding input for each of the participants where the encoding is subject to later verification (12:36-13:24).

Regarding claim 21, Schneier discloses a method that includes supplying player inputs after prior supply and receipt of corresponding secured inputs (fig 7), and accessing successive ones of the outcomes selected based on the combination of the successively supplied player inputs with the corresponding inputs for each of the participants (12:36-13:24).

Regarding claim 23, Schneier discloses a method that includes outcomes of the transformationally secured set thereof is individually secured (13:45-14:18) and wherein the accessing includes obtaining a key for a corresponding individually secured outcome.

Regarding claim 24, Schneier discloses a method that includes outcomes of the secured set thereof are individually secured and wherein the accessing includes receiving an encoding of the particular outcome for verification against the corresponding individually secured outcome (12:622-13:4).

Regarding claim 25, Schneier discloses an outcome generator that includes a commitment sequence executable to supply one or more players with a secured set of outcomes and a reveal sequence responsive to receipt of index contributions from each of the players, the reveal sequence executable to select a particular one of the outcomes based on a combination of player indexes (supra).

Regarding claim 26, Schneier discloses a generator that includes game logic.

Regarding claim 27, Schneier discloses a generator wherein the commitment and reveal sequences employ cryptographic transformations (supra).

Claim 28-29 corresponds in scope to steps of method listed in claim 1-19, thus holding above regarding claim 1-19 is incorporated herein.

Regarding claim 30, Schneier discloses a program wherein the computer readable media is selected from disk, tape, other magnetic, optical, electrical storage medium (fig. 2-3) and a network (7:42-45).

Claim 31-33 corresponds in scope to a method of a computer readable encoding set for use of steps of method listed in claim 1-19, thus holding above regarding claim 1-19 is incorporated herein.

Regarding claim 34, Schneier discloses computer readable medium encoding that includes at least one message suitable for communication between the server and the client thereof (fig 1).

Claim 35 corresponds in scope to an apparatus set forth for use of steps of method listed in claim 1-19, thus holding above regarding claim 1-19 is incorporated herein.

Regarding claim 36-37, Schneier discloses the predetermined set of outcomes corresponds to a deck of cards (supra).

Claim 38 corresponds in scope to a player client set forth for use of steps of method listed in claim 1-19, thus holding above regarding claim 1-19 is incorporated herein.

***Claim Rejections - 35 USC § 103***

2. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier '408. This holding is maintained for cited claims from prior action that is incorporated and reiterated herein. Response to Applicant's arguments is provided below and incorporated herein. Schneier discloses a method that includes player-selected indexes that are combined, but does not disclose using a bit wise OR of binary encoding. However, it is old and well known in the art that binary logic gates (AND, OR , NOR, etc) are used for data manipulation, especially when using a combination of data sequences. Therefore, it would have been obvious to one having ordinary skill in the art at a time prior to the invention to add OR sequence into the combination of indexes to Schneier's game for ease of calculating using a logic gate. Essentially, it is hornbook engineering to use a binary logic gate such as OR function in data manipulation.

***Response to Arguments***

3. Applicant's arguments filed May 10, 2004 have been fully considered but they are not persuasive. As best understood, Applicant asserts Schneier fails to teach claimed invention due to Schneier utilizing a player and a server random number to generate a deck order or card sequence. The examiner agrees with Applicant's interpretation that Schneier combines a player and server random number to generate a deck order or cards sequence; but disagrees with Applicants interpretation of claimed scope of invention, with broadest interpretation thereto. Specifically, the language of claimed invention fails to preclude Schneier's commit reveal sequences that utilize a player and server random number to generate the deck order or card sequence such that a commit/reveal sequence may include multiple random numbers or multiple steps in performing the claimed steps of method. Stated differently, scope of claimed invention fails to preclude Schneier's teachings. Similarly with respect to Applicants asserted patentability regarding claim 11, 20, 25, 28-29, 31, 35, 38, the claim language does not preclude Schneier's transformationally secured encoding of a predetermined set of outcomes from the combination of a player and server random number and subsequent indexing of number of additional cards.

Finally, regarding Applicant stating that claim 28 was omitted, claim 28 was included within holding of anticipation by Schneier (pg 2) and was addressed more specifically in response to Applicants remarks (pg 8-9).

***Conclusion***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.



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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 703-308-0785. The examiner can normally be reached on T-F, 0700-1700 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Jessica Harrison can be reached on 703-308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
M.A. Sager  
Primary Examiner  
Art Unit 3714

MAS